

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA )  
 )  
 ) Case No. 2:15CR00015-011  
 )  
 v. ) **ORDER**  
 )  
 WESLEY DAVID GROSS, ) By: James P. Jones  
 ) United States District Judge  
 Defendant. )

The defendant has filed a pro se motion seeking compassionate release or a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A) and requested that I appoint counsel to pursue the motion on his behalf. Mot., ECF Nos. 1221, 1225. The motion renews the defendant's previous request for compassionate release on the ground that he suffers from chronic obstructive pulmonary disease (COPD) and emphysema which would increase his risk for severe complications if he were to contract Covid-19 in prison. Mot., ECF No. 1221. I denied his previous motion for compassionate release in part because the defendant failed to provide evidence documenting the existence of his lung conditions. Op. & Order 3–4, ECF No. 1140. The current motion provides such evidence, namely medical records which reflect the defendant's diagnoses of COPD and emphysema. Mot. 11–12, ECF No. 1221. Furthermore, the motion asserts new claims that the defendant's lung issues have

gone untreated while he has been incarcerated, and that he has tested positive for Covid-19 since filing his previous motion. Mot. Ex. 1, Med. R. 1, ECF No. 1225-1.

After reviewing the defendant's supplemental evidence and new claims, I find that there may be issues sufficient for further consideration by the court. Therefore, it is **ORDERED** that the Federal Public Defender is hereby appointed to represent the defendant in regard to this motion. The Federal Public Defender may file a supplemental motion within 28 days of the date of this Order. If a supplemental motion is so filed or if the deadline passes without a supplemental motion being filed, the United States may file a response within 21 days thereafter and the Defendant may file a reply within 14 days thereafter.

The Clerk will send a copy of this Order to the defendant.

ENTER: February 16, 2021

/s/ JAMES P. JONES  
United States District Judge